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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,535	04/14/1999	MICHAEL D. STAFF	500.720US1	2242

34206 7590 02/08/2005
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EXAMINER

DAS, CHAMELI

ART UNIT PAPER NUMBER

2122

DATE MAILED: 02/08/2005

23

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 23

Application Number: 09/291,535
Filing Date: April 14, 1999
Appellant(s): STAPF, MICHAEL D.

Scott V. Lundberg
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed on 9/25/03.

Further consideration has been made, after initial remand from the Board of Patent Appeals and Interferences, to simplify and/or clarify examiner's position to address appealed subject matter at issue. In this Supplemental Examiner's Answer, particularly, under Official Notice issue, examiner provides with concrete evidence (Mazzario, US 5,084,815, made of record) to further support the Official Notice taken. See page 5, last paragraph, page 6, first paragraph, and at pages 9-10, under item (13) (i), for detailed explanation. No new grounds of rejections have been introduced.

(1) *Real Party Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Summary of Invention*

The summary of invention contained in the brief is correct.

(5) *Summary of the Amendments*

No amendments have been made after the Final Office action.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement the grouping of claims is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record upon in the rejection of claims under appeal.

US Patent No. 5,844,554	Geller et al	12-1999
US Patent No. 5,805,897	Glowny	09-1998

(10) New Prior Art

US Patent No. 5,084,815	Mazzario	01-1992
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Mazzario is cited as evidence to support examiner's taken Official Notice.

(11) Allowable Subject Matter

There is no allowable subject matter in this application.

(12) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-10, 13-14, 16-21, 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Geller et al (US Patent No. 5,844,554).
2. Claims 11-12, 15 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Geller et al (US Patent No. 5,844,554) in view of Glowny (US Patent No. 5,805,897).

As noted above, under Official Notice issue, examiner provides with concrete evidence (Mazzario made of record) to further support the Official Notice taken. See page 5, last paragraph, page 6, first paragraph, and at pages 9-10, under item (13) (i), for detailed explanation. No new grounds of rejections have been introduced.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 13-14, 16-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geller et al, (US Patent No. 5,844,554) and further in view of the official notice.

As per claim 1, Geller et al teach providing a file **containing data (data file)** is shown in column 4, lines 19-21 (and **specify a data file containing this information** for usage within the configurator program. The developer/sales engineer who creates or maintains the product configurator program merely specifies a path link to the database or file containing the information”) data to be **loaded into the enterprise planning system** is shown in (column 8, lines 5-54, states (emphasis added), “The executable configuration software 10 is operative to execute SQL queries on any ERP data upon loading of the configuration software”), the data file is within the configuration file is shown in (column 4, lines 19-20, states (emphasis added), “**a data file** containing this information for usage within the configurator file”), creating a file containing at least one parameter is shown in column 18, lines 6-7 (“create the parameter structure and any associated constraints and formulas”) wherein the parameter maps data from the data file to screen is shown in column 4, lines 40-46 (“Another aspect of the present invention relates to representation of constraints within the user product configuration program

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module (data file). This aspect of the invention comprises storing *parameters associated with the product configurator* in a hierarchical arrangement in memory of the computer running the developer environment. The parameters are displayed in a "parameter explorer" window, which can be invoked at any time to allow creation and modification of the parameters underlying the configurator"), "storing parameters *associated with the product configurator*" inherently including parameter file maps data from the configurator (data file)" and "parameters are displayed in a "parameter explorer" window" inherently including data from the data file to screen as claimed. Processing the data file according to the parameters in the parameter file to execute screens as claimed is shown in column 4, lines 40-46, " the product configurator running (executing) the developer environment, the parameters are displayed in a parameter explorer window" inherently including parameter file to execute screens as claimed, and column 42, lines 35-36 ("If so, a process 4100 is executed to display the parameter selector window") and column 41, lines 57-61 ("decision 3520, the command is tested to determine whether the Parameter Controls tab 806 (FIG. 8) has been selected. If so, process 4000 is executed to carry out a Parameter Control command. Details of this particular process is provided in conjunction with FIG. 40. "), data form the data file to the enterprise resources planning system is shown in column 8 line 51-56 ("The executable configuration software 10 is operative to execute SQL queries on any ERP data upon loading of the configuration software for running (i.e., at run time), to open any data tables required to satisfy the query. Also, queries on ERP data are executed when any formula containing a query needs to be recalculated").

Geller et al do not specifically teach processing *each* record. Official Notice is taken for processing *each* record to ensure that all the data and/or information have been processed

completely while receiving and/or loading data into a system is well known in the art. For example, see Mazzario (US 5,084,815) is cited herein (see at page 9-10, under item (13) (i)). It would have been obvious to one of the ordinary skill in the art at the time of invention was made to preserve the continuity and integrity of the information and make sure that the completeness of the task (like receiving and/or loading data into a system) is achieved.

As per claim 2, Geller et al teach data extracting form the legacy system is shown in column 4, lines 11-14 (“Another aspect of the present invention is the ability for information that is associated with a control to be derived *from an external database*”), information that derived from an external database inherently including data from the legacy system as claimed.

As per claim 3, Geller et al teach creating file at least one parameter is shown in column 4, lines 40-44, conditional logic associated with the parameters is shown in ABSTRACT, lines 5-8 (“Methods are disclosed for creating and maintaining the logic for a configuration program module in the form of configuration parameters; creating and maintaining the visual controls”).

As per claim 4, Geller et al teach parameter comprises creating a file with a text editor is shown in column 8, lines 6-7 (“the developer environment is operative to allow construction of a user interface for the configuration software 10, creation and editing of parameters and constraints of the configuration, accessing existing data of the enterprise,”), column 15, lines 42-45.

As per claims 5, 19, 26, Geller et al teach parameter includes a transaction code is shown in column 11, lines 4-7 (“Parameter values and relationships are used to manipulate the screen (the user interface) of the configuration software”) inherently including parameter including transaction code as claimed. In column 19, lines 10-16 Geller et al teach (“After the parameter

structure is created, any necessary external data resources are prepared. This involves identifying any existing data resources the developer intends to use, and obtaining any documentation necessary to query that data, such as table and column/field names and data types. The more existing resources that can be utilized, the easier it will be to maintain the configurator”), identifying any existing data resources, obtaining any documentation, field name, data types inherently including screen identification code, a screen number, field name as claimed, and column 21, lines 1-4, column 21, lines 41-44, field location is shown in column 21, lines 33-37, field length is shown in column 18, lines 26-28, “parameter is like a variable or a field”, inherently including a field length as claimed.

As per claim 6, Geller et al teach retrieving a record (data) from the data file is shown in column 4, lines 23-28, “which retrieves and employs the relevant data” inherently including retrieving a record or data as claimed, retrieving parameters from the parameter files, creating commands (logic for a configuration program) based on the parameters as claimed is shown in ABSTRACT, lines 5-23, executing screens as claimed is shown in column 12, lines 31-39, column 40, lines 65-67 and column 41, lines 5-7.

As per claims 7, Geller et al teach retrieving conditional logic parameters is shown in ABSTRACT, lines 4-19.

As per claim 8, Geller et al teach recording errors when executing as claimed is shown in column 22, lines 20-22, “compile the program, check for errors” inherently including recording errors when executing as claimed.

As per claims 9, 16 and 23 Geller does not specifically teach audit file for each record. Official notice is taken in auditing file is well known in the art. It would have been obvious to

one of the ordinary skill in the art at the time of invention was made to audit files for records because one of the ordinary skill in the art would be motivated to determine how efficiently the overall system is performing.

As per claims 10, 17 and 24 Geller et al teach transmitting results of a run is shown in column 5, lines 9-12 (“the developer runs or compiles the developer environment to create a new executable program, which is then suitable for distribution to the sales force”), Geller does not specifically teach *e-mail address*. Official notice is taking *e-mail address* is well known in the art. It would have been obvious to one of the ordinary skill in the art at the time of invention was made to take e-mail address because one of the ordinary skill in the art would be motivated to exchange messages or computer files over a communications network easily and efficiently.

As per claims 13, 20 Geller et al teach parameter file containing plurality of parameter is shown in ABSTRACT, lines 5-12, opening an associated data file as claimed is shown in column 4, lines 18-28, for the rest of the limitations see the rejection of claim 1 above.

As per claims 14 and 21 Geller et al teach conditional parameters is shown in column 26, lines 16-26 and column 42, lines 20-38.

As per claims 18 and 25, Geller et al teach creating commands based on plurality of parameters as claimed is shown in column 26, lines 48-58 and column 30, lines 18-27.

2. Claims 11-12, 15 and 22 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Geller et al, (US Patent No. 5,844,554) in view of Glowny (US Patent No. 5,805,897).

As per claim 11, Geller et al do not teach ceasing processing the records. However, Glowny teaches ceasing processing the records is shown in (column 4, lines 59-61), “monitoring

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installation status, the operator may suspend the tasks for later resumption” inherently including ceasing processing the records as claimed. It would have been obvious to one of the ordinary skill in the art at the time of invention was made to incorporate the teaching of Glowny’s ceasing method into the teaching of Geller’s processing data file method because one of the ordinary skill in the art would be motivated to avoid the frustrating and costly process of starting from beginning of the process (see column 5, lines 5-6).

As per claims 12, 15 and 22, Geller et al do not specifically teach restarting process as claimed. However, Glowny teaches restarting process of record after last record processed during a prior execution of the method is shown in column 4, lines 35-39, “restart of a task can determine that last executed step and begin at that point” inherently including restarting processing of record after last record processed during a prior execution of the method as claimed. It would have been obvious to one of the ordinary skill in the art at the time of invention was made to incorporate the teaching of Glowny’s restarting method into the teaching of Geller’s processing data file method because one of the ordinary skill in the art would be motivated to resume or continue the process after completion of the processing of all records in the file.

(13) Arguments

The Applicant has argued in substance:

(i) The Applicant has attempted to challenge the examiner’s taking official notice regarding “processing each record” (See the Appeal Brief at page 12, lines 1-3).

Response:

(i) The official notice, presented in last office action, concerning “processing each record” is maintained. Mazzario, (US 5,084,815) is cited herein as evidence to support examiner’s taking of Official Notice. For example, see FIG. 5, block 401 and associated text and at column 5, lines 27-29, states “*processor 24 enters the process, at block 400, and checks whether all records 203 have been read from input file 200*”, inherently including processing each record from the file as claimed. It would have been obvious to one of the ordinary skill in the art at the time of invention was made for processing each record because one of the ordinary skill in the art would be motivated to preserve the continuity and integrity of the information and make sure that the completeness of the task (like receiving and/or loading the data into a system) is achieved.

(ii) *Geller does not teach “providing data to the ERP system” as is disclosed and claimed in the present invention (See the Appeal Brief at page 10, lines 10-13).*

Response:

(ii) Geller teaches providing the data into the ERP system (column 8 line 51-54, states (emphasis added) “The executable configuration software 10 is operative to execute SQL queries on any **ERP data** upon loading of the configuration software for running (i.e., at run time)”), the data file is within the configuration program is shown in (column 4 line 19-20, states (emphasis added) “a data file containing this information for usage within the configurator file”). The data file which is in the configuration file is loaded into the ERP system inherently including providing data (within data file) to the ERP system.

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(iii) Geller fails to disclose a parameter file for mapping data into ERP system (See the Appeal Brief at page 10 line 27 – page 11 lines 1-2).

Response:

(iii) As noted in the last office action, Geller teaches parameter file for mapping data into ERP system (column 4 line 40-46 states (emphasis added), “This aspect of the invention comprises storing parameters associated with the product configurator in a hierarchical arrangement in memory of the computer running the developer environment. The parameters are displayed in a “parameter explorer” window, which can be invoked at any time to allow creation and modification of the parameters underlying the configurator”), where the parameters are associated with the product configurator in a hierarchical arrangement means **parameters map with the data of the data file** because the data files are within the **configurator program** (column 4 line 19-20, “a **data file containing** this information for usage **within the cnfigurator file**”).

(iv) Geller does not disclose a file containing data to be loaded into the ERP system (See the Appeal Brief at page 11, lines 17-19).

Response:

(iv) Geller teaches loading the data into the ERP system (column 8 line 51-54, states (emphasis added) “The executable configuration software 10 is operative to execute SQL queries on any **ERP data** upon loading of the configuration software for running (i.e., at run time) “), the data file is within the configuration program is shown in (column 4 line 19-20, states (emphasis added, “a data file containing this information for usage within the configurator file”).

(v) *Geller and Glowny fail to teach all the limitations of the claims 11-12, 15 and 22 and further Glowny's reference in non-analogous (See the Appeal Brief, at page 12, lines 12-26).*

Response:

(v) As noted in the last office action, Geller and Glowny teach all the limitations cited in the claims 11-12, 15 and 22 (see page 7 line 6-19 and page 8 line 1-3).

Examiner believes that Glowny's reference is analogous with Geller's reference because Glowny's reference teaches: configuration data in a file, load data into the database (col 4, line 1 and line 6), software configuration service, user interface and gathering input parameters (column 3, lines 25-32) and command execution (column 3, lines 17-18).

Respectfully submitted

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